

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ANGELO BERNARD BANKS,	*	
Plaintiff,	*	
vs.	*	CASE NO. 4:19-CV-10 (CDL)
MARY HUGHES-TERRY, <i>et al.</i> ,	*	
Defendants.	*	

O R D E R

After a de novo review of the record in this case, the Report and Recommendation filed by the United States Magistrate Judge on May 24, 2021 is hereby approved, adopted, and made the Order of the Court to the extent described below.

Defendants filed their motion for summary judgment on December 30, 2020. Defs.' Mot. for Summ. J., ECF No. 99. On February 23, 2021, Plaintiff filed a motion to reopen discovery, seeking to compel discovery and impose sanctions against Defendants. Mot. for Extension of Time to Complete Disc., ECF No. 113. The Magistrate Judge denied this motion. Order (Apr. 5, 2021), ECF No. 118. Plaintiff then filed a motion to set aside the Magistrate Judge's denial of his motion to reopen discovery. Mot. to Set Aside J., ECF No. 123. He also filed a motion to stay the Court's ruling on Defendants' motion for summary judgment pending the resolution of his motion to set aside the Magistrate

Judge's denial. Mot. to Stay Defs.'s Mot. for Summ. J., ECF No. 122.

The Magistrate Judge issued an Order and Recommendation in which he denied Plaintiff's motion to set aside and motion to stay and recommended granting Defendants' motion for summary judgment. Order & Recommendation (May 24, 2021), ECF No. 124. Plaintiff filed untimely objections, contending in part that the Court should have reviewed the Magistrate Judge's denial of his motion to reopen discovery before the Magistrate Judge issued a recommendation on the motion for summary judgment.

To the extent that Plaintiff intended to appeal the Magistrate Judge's order denying the motion to reopen discovery by filing his motion to set aside judgment and motion to stay, the Court affirms that order for the reasons explained in the Magistrate Judge's Order and Recommendation. See Order & Recommendation 3-7. Under 28 U.S.C. § 636(b)(1)(A), the Court may designate a Magistrate to hear and determine any pretrial matter except certain enumerated matters. If the Magistrate determines a pretrial matter, the district judge "may reconsider" that decision "where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." *Id.* Plaintiff has not demonstrated that the Magistrate Judge's order was clearly erroneous or contrary to law. As such, to the extent he intended to appeal that order, his motions are denied.

The Court considered Plaintiff's objections to the Report and Recommendation that summary judgment be granted and finds that they lack merit. Accordingly, summary judgment is granted to the extent stated in the Magistrate Judge's Report and Recommendation.

IT IS SO ORDERED, this 30th day of July, 2021.

S/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA